

THE HONORABLE RONALD B. LEIGHTON

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

JULIANNE PANAGACOS, ET AL.,) NO. 3:10-cv-5018 RBL
) PLAINTIFFS' REPLY IN SUPPORT OF
) MOTION TO STRIKE DEFENDANT
) COLVIN'S MOTION TO DISMISS
Plaintiffs,) PURSUANT TO NOTICE OF
) UNAVAILABILITY
v.)
)
JOHN J. TOWERY; THOMAS R. RUDD) Noted for October 22, 2010
CLINT COLVIN; CITY OF OLYMPIA)
TOR BJORNSTAD, et al.,)
)
Defendants.)
_____)

JULIANNE PANAGACOS, MALLORY HAGEL, STEPHANIE SNYDER, EMILY COX,
MOLLY PORTER, ANDREA ROBBINS, JULIA GARFIELD, ERAN RHODES, ELI
EVANS, CHRIS GRANDE, DAVI RIOS, BRENDAN DUNN, GLEN CRESPO, and

Panagacos v. Towery, et al-Plaintiffs Motion To Strike Defendant Colvin's Motion to Dismiss
LAWRENCE A. HILDES
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Bellingham, WA 98227
(360) 715-9788
Fax: (360) 714-1791
Attorney for Plaintiffs

JEFFERY BERRYHILL the Plaintiffs herein, by and through their attorney, hereby reply in support of their motion to strike Defendant Colvin's Motion to Dismiss or in the Alternative for Summary Judgment as follows:

In his response to Plaintiffs' motion, Defendant objects to Plaintiffs' counsel's periods of unavailability, which have been unusually high this year, by admission, and uses that to justify deliberately filing a pleading that flaunts that unavailability and seeks to take advantage of it. Defendant appears to blame counsel for Plaintiffs for the length of time the case has gone on. In fact, Counsel for this Defendant has sought and obtained no fewer than three extensions of their time to file their motion, citing the fact that counsel for Plaintiffs was unavailable as a justification for the extension on at least one of those occasions. Plaintiffs have, in the interest of professional courtesy filed no opposition to any of those requested extensions.

Plaintiffs submit that those extensions, more than Plaintiff's counsel's periods of unavailability, have delayed this case, and caused the alleged harm to their own client. Defendant having used periods of unavailability as a shield, now seeks to use them as a sword without justification.

Plaintiffs simply seek the same courtesy. Counsel for Plaintiffs is a solo practitioner and must maintain a full caseload, in Addition, counsel is considered an expert in some areas and ha been asked to present at an unusual number of conferences this year, for which he apologizes.

Plaintiffs simply seek the standard professional courtesy in this matter.

Respectfully Submitted: October 8, 2010

/S/ LAWRENCE A. HILDES

LAWRENCE A. HILDES, WSBA #35035

Attorney for Plaintiffs

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PROOF OF SERVICE

Lawrence A. Hildes certifies as follows:

I am over the age of 18 years, and not a party to this action. I am a citizen of the United States.

My business address is P.O. Box 5405, Bellingham, WA 98227

On October 6, 2010, I served the following documents(s) described as follows

PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION TO STRIKE DEFENDANT COLVIN'S MOTION TO DISMISS

on the following persons(s) in this action at the following addresses:

Michael D McKay mdm@mckay-chadwell.com, hgr@mckay-chadwell.com, Imm@mckay-chadwell.com, Thomas Matthew Brennan tmb@mckay-chadwell.com, hgr@mckay-chadwell.com, Imm@mckay-chadwell.com, lisa@lldkb.com, Thomas Matthew Brennan tmb@mckay-chadwell.com, hgr@mckay-chadwell.com, Imm@mckay-chadwell.com Kathryn C Pineda kcp@mckay-chadwell.com, hgr@mckay-chadwell.com, Imm@mckay-chadwell.com

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☐ (BY FIRST CLASS MAIL) by placing a true copy of the above documents in a sealed envelope with postage fully prepaid in the mail at Bellingham, WA, addressed to the person(s) above at the above address

☒ By electronically serving, by filing an electronic copy with the court in such a way that notice will be sent to counsel for Defendant

☒ (FEDERAL) I declare under penalty of perjury that I am a member of the BAR of this court, and that the above information is true and correct.

Executed on October 8, 2010, at Bellingham, Washington.

/S/
Lawrence A. Hildes

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